



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
077946-498	11/09/92	BIRNSTIEL	M 0652-1080000

18M2/1222
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EISENBERG, F	
ART UNIT	PAPER NUMBER
1806	14

DATE MAILED:

12/22/94

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE:

- a) ☐ is extended to run _____ or continues to run _____ from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

☒ Appellant's Brief is due in accordance with 37 CFR 1.192(a).

☒ Applicant's response to the final rejection, filed 11/29/94 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:

- a. ☒ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: Applicant's proposed amendment changes the scope of Claim 17, requires further search, & would require new consideration and/or rejection

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.

3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: NONE

Claims objected to: NONE

Claims rejected: 1-20, 28-31, 32-34, 36-40

However,

- ☐ Applicant's response has overcome the following rejection(s): _____

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SUPERVISORY PATENT EXAMINER
GROUP 180
12/20/94

4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because one skilled in the art would have been motivated to introduce HIV specific ribozymes into cells to inactivate the genetic material. Applicant's specification is directed solely to therapy. Applicant's
- ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented. Arguments are not persuasive. Regarding the 103 rejection, Applicant's invention is the substitution of the transferrin w/ specific cAb. The use of specific AB allows for
- the transfection of a chosen target cell. It remains obvious to use different
- targeting agents to introduce DNA into a target cell known to express A
- target antigen.